

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------|---|--------------|
| PLUMBERS' LOCAL UNION NO. | : | |
| 690 HEALTH PLAN, | : | |
| Plaintiff, | : | CIVIL ACTION |
| | : | No. 16-665 |
| v. | : | |
| | : | |
| APOTEX CORP., et al., | : | |
| Defendants. | : | |

ORDER

AND NOW, this 25th day of September, 2017, it is **ORDERED** that Defendants' Joint Motion to Dismiss (ECF No. 241) and Qualitest, Boca Pharmacal, LLC and Endo Pharmaceuticals Inc.'s Motion to Dismiss (ECF No. 297) are **GRANTED**.¹

s/Anita B. Brody

ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

¹ In order to avoid dismissal, Plumbers requests leave to amend its Amended Complaint. “[I]f a complaint is subject to a Rule 12(b)(6) dismissal, a district court must permit a curative amendment unless such an amendment would be inequitable or futile.” *Phillips v. Cty. of Allegheny*, 515 F.3d 224, 245 (3d Cir. 2008). For all of the reasons discussed above, including Plumbers’ knowledge that the AWPs were not the actual average wholesale prices for Generic Drug Manufacturers’ drugs, amendment would be futile. Therefore, I will deny Plumbers’ request for leave to amend.

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